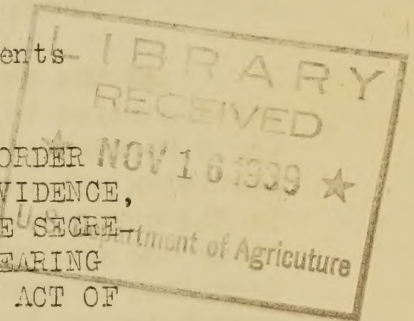


Docket No. A - 118
O - 118

Notice of hearing signed by
the Secretary of Agriculture
November 2, 1939.

UNITED STATES DEPARTMENT OF AGRICULTURE
Division of Marketing and Marketing Agreements

PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER
REGULATING THE HANDLING OF MILK IN THE PROVIDENCE,
RHODE ISLAND, MARKETING AREA UPON WHICH THE SECRETARY OF AGRICULTURE HAS ISSUED NOTICE OF HEARING
UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF
1937



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The Local Dairymen's Cooperative Association and the New England Milk Producers' Association have jointly presented the Secretary a petition for public hearing on a proposed marketing agreement and a proposed order regulating the handling of milk for the Providence, Rhode Island, marketing area under the Agricultural Marketing Agreement Act of 1937. The proposed provisions of the marketing program set forth below have been suggested by the above producers' associations which comprise in their membership a large majority of the dairymen supplying milk to the Providence market.

The Agricultural Marketing Agreement Act of 1937 authorizes the Secretary of Agriculture after due notice of and opportunity for hearing to enter into marketing agreements with, and to issue orders applicable to, processors, producers, associations of producers, and others engaged in the handling of milk and its products in the current of interstate or foreign commerce. This act also authorizes the Secretary of Agriculture to issue orders complementary to orders of the States, to cooperate fully with the States in their programs to regulate the handling of milk, and authorizes the Secretary of Agriculture to call hearings whenever he has reason to believe that the issuance of an order will tend to effectuate the declared policy of this act. In simple terms, as applied to milk, the declared policy of the act is to establish and maintain such orderly marketing conditions for milk in interstate commerce as will establish prices for milk at a level which will give that milk a purchasing power with respect to articles that farmers buy equivalent to its purchasing power in a prescribed base period, after taking into account the available supplies of feed, the prices of feed and other economic conditions affecting the demand for and the supply of milk.

In response to the petition of the above-named associations, the Secretary of Agriculture has issued notice of public hearings to be held in the Governor Dyer Market, Providence, Rhode Island, 10:00 a.m., eastern standard time, November 27, 1939.

The Local Dairymen's Cooperative Association and the New England Milk Producers' Association are likewise petitioning the Rhode Island State Board of Milk Control for hearings on an order to be promulgated under the Rhode Island State law. It is anticipated that the above-mentioned hearings will be conducted as joint hearings of the Secretary

of Agriculture of the United States and of the Rhode Island State Board of Milk Control.

At the above time and place opportunity will be given for interested parties to present evidence (1) as to whether or not any marketing agreement and order should be issued, and (2) as to each and every provision set forth below and as to other provisions which may be proposed in the course of the hearings. It is suggested that each interested party who so desires carefully present all facts which he feels the Secretary of Agriculture should have in the record of the public hearing upon which to base a decision, (1) as to the issuance of an order, and (2), if an order is to be issued, what provisions such an order is to contain. The best interests of a proponent, or of an opponent, of the whole plan, or any provision thereof, will best be served by concise presentation, in the session of the hearing most convenient to him, of the relevant facts in his possession, reserving his arguments for filing in written form at the close of the hearing session.

If upon the facts in the record the Secretary of Agriculture decides that he can issue an order, the content of the order, based upon the facts in the record, will then be made known to producers and their approval or disapproval determined as to whether the order shall become effective. The content of the order will be the same as that of a marketing agreement which handlers will be given opportunity to sign.

The provisions proposed by the above-named associations are set forth below as possible provisions of a marketing agreement and of an order. Their publication in this form is for the convenience of interested parties and is not to be considered as in any way signifying their approval by the Secretary of Agriculture.

Section 1 Definitions. (a) Terms. As used herein the following terms shall have the following meanings:

(1) The term "act" means the Agricultural Marketing Agreement Act of 1937 which reenacts and further amends Public Act, No. 10, 73rd Congress, as amended;

(2) The term "Secretary" means the Secretary of Agriculture of the United States;

(3) Term "Providence, Rhode Island, marketing area" means the cities of Providence, Pawtucket, Central Falls, Warwick, Woonsocket, Cranston; the towns of North Providence, East Providence, Barrington, Johnston, Smithfield, Lincoln, Cumberland, Warren, Bristol, East Greenwich, North Smithfield, West Warwick; that area in the southeasterly corner of the town of Scituate bounded by a circle within a two-mile radius centered at the junction of the westerly boundary of the city of Cranston and the northerly boundary of the town of Coventry, and that part of the town of Coventry east of the Victory Highway or Route #102;

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit;

(5) The term "producer" means:

(a) Any person who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, produces milk and distributes, or delivers to a handler, milk of his own production.

(b) Any person who produces milk in the manner described in subparagraph (a) and pursuant to a written agreement sells such milk to a handler for normal use in a plant normally supplying some marketing area other than the Providence, Rhode Island, marketing area shall not be considered as a producer if milk received at this plant is in any form shipped to or sold in the Providence, Rhode Island, marketing area as Class II milk. If and when the handler elects to receive milk from such a person directly at a plant normally supplying the Providence, Rhode Island, marketing area, such milk shall, for purposes of this agreement, be deemed to have been received at the first plant and transferred to the second plant.

(6) The term "association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof; and whose policies are entirely under the control of its members.

(7) The term "handler" means any person who produces milk and/or on his own behalf or as agent for producers, purchases or receives milk from producers, associations of producers, or other handlers and engages in the handling of such milk which is sold, distributed or disposed of as milk or cream within the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(8) The term "market administrator" means the person designated pursuant to Sec. 2 as the agency for the administration hereof.

(9) The term "delivery period" means the current marketing period from the first to and including the 15th day of the calendar month and the 16th to and including the last day of each calendar month.

(10) The term "hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skimmed milk per 40-quart can.

(11) The term "receiving plant" means any milk plant currently used for receiving, weighing (or measuring), sampling and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.

Sec. 2 Market administrator. (a) The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

(b) Powers. The market administrator shall have power:

- (1) To administer the terms and provisions hereof;
- (2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and
- (3) To recommend to the Secretary of Agriculture amendments hereto.

(c) Duties. The market administrator, in addition to the duties hereinafter described, shall:

- (1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;
- (2) Pay, out of the funds provided by Sec. 9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;
- (3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;
- (4) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not (a) made reports pursuant to Sec. 5 or (b) made payments pursuant to Sec. 8; and may at any time thereafter so disclose any such name if authorized by the Secretary so to do;
- (5) Promptly verify the information contained in the reports submitted by handlers.

Sec. 3 Classification of milk. (a) Sales and use classification. Milk purchased or received by each handler shall be classified as follows:

- (1) Class I milk shall be all milk or skimmed milk sold, used or distributed as or in whole milk, chocolate milk, flavored or skimmed milk drinks, and all milk the utilization of which is not established as Class II.

(2) Class II milk includes all milk or skimmed milk sold, used, distributed or disposed of as follows:

- (i) For the manufacture of cream;
- (ii) For the standardization of cream;
- (iii) As buttermilk;
- (iv) For the manufacture of butter or cheeses or other manufactured dairy products;
- (v) Ice cream or ice cream mix;
- (vi) Skimmed milk, or spoiled whole milk unfit for human consumption, sold for animal feed or thrown away;
- (vii) Milk received during any delivery period by a handler at a plant normally supplying the Greater Boston, Massachusetts, marketing area under the conditions described in Sec. 1(a)(5) shall be deemed to have been utilized as Class II milk to the extent that its volume does not exceed the total volume of milk received at that plant which was, during that delivery period, actually disposed of as Class II milk.

(b) Interhandler and nonhandler sales. Whole milk or skimmed milk, disposed of by a handler to another handler, or to a person who distributes milk or manufactures milk products, shall be classified as Class I milk: Provided, That if such milk is utilized as Class II milk by the person who received it from the disposing handler, such milk shall be classified accordingly, subject to verification by the market administrator.

Sec. 4 Minimum prices. (a) Price to associations of producers. Each handler shall pay an association of producers, at the time and in the manner set forth in Sec. 8, not less than \$3.63 per hundredweight for such milk containing 3.7 percent butterfat delivered in bulk from such association's receiving plant to such handler's plant located within 30 miles of the City Hall in Providence.

(b) Class I price to producers. Each handler shall pay producers, at the time and in the manner set forth in Sec. 8, for Class I milk delivered by them, not less than the following prices:

- (1) \$3.55 per hundredweight for such milk delivered from producers' farms to such handler's receiving plant located within 30 miles of the City Hall in Providence.

(c) Class II prices. Each handler shall pay producers, at the time and in the manner set forth in Sec. 8, for Class II milk not less than the following prices per hundredweight:

- (1) For such milk delivered to a handler's receiving plant located within 30 miles of the City Hall in Providence, a price computed by the market administrator as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is

reported for the delivery period during which such milk is delivered, and multiply by 3.7.

Sec. 5 Reports of handlers. (a) Periodic reports. On or before the 8th day after the end of each delivery period, each handler shall, except as set forth in Sec. 6(a), with respect to milk and cream which was during such delivery period received from producers, received from handlers, or received from such handler's own production, report to the market administrator, in the form and detail prescribed by the market administrator, as follows:

- (1) The receipts at each plant from producers who are not handlers;
- (2) The receipts at each plant from any other handler, including any handler who is also a producer;
- (3) The receipts from such handler's own production; and
- (4) The respective quantities of milk which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in Sec. 3.

(b) Reports as to producers. Each handler shall report to the market administrator:

- (1) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name, post office address, and farm location, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days on which deliveries are made;

- (2) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period, which shall show for each producer: (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to each producer and association of producers, made pursuant to Sec. 8, and (c) the deductions and charges made by the handler;

- (3) On or before the 18th day after the end of the first delivery period following the effective date hereof, each handler shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant, and such information with respect to distances involved as the market administrator may require;

- (4) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(c) Announcement of transportation rates. On or before the 30th day after the end of each delivery period, the market administrator shall mail to all handlers and shall publicly announce the rate or rates of such deductions made by each handler, as reported pursuant to subparagraphs (3) and (4) of paragraph (b) of this section, and such information with respect to the distances involved and so reported as the market administrator may deem advisable.

(d) Verification of reports. Each handler shall make available to the market administrator or his agent, (1) those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section, and (2) those facilities necessary for the weighing, measuring, and sampling of milk and the testing of the butterfat content of milk, and for determining the utilization of milk made by the handler.

Sec. 6 Application of provisions. (a) Handlers who do not receive milk from producers. No provision of this agreement shall apply to a handler who purchases or receives no milk from producers, except that such handler shall make such reports pursuant to Sec. 5 as the market administrator may require.

(b) Handlers who receive milk of their own production and who receive milk from producers. If any handler who produces milk in any delivery period receives from producers and associations of producers a quantity of milk equal to more than 10 percent of his fluid milk sales for such period, his receipts of his own production of milk shall be included in the computation of the value of milk of the handler for such period pursuant to Sec. 7(a).

Sec. 7 Determination of prices to producers. (a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of Sec. 6, the value of milk disposed of by each handler, and to be accounted for under this paragraph as follows:

(1) Subtract from the quantity of such handler's Class I milk:

- (i) The quantity of milk received by such handler from associations of producers pursuant to Sec. 4(a);
- (ii) The quantity of milk of his own production received by such handler in any period in which such handler's receipts of milk from producers and associations of producers does not exceed 10 percent of his fluid milk sales.

(2) Subtract from the quantity of such handler's Class I milk or of his Class II milk, according to the use thereof as the same is reported and classified pursuant to Sec. 3(b), the quantity of milk received by such handler from other handlers or from other plants.

(3) Multiply the remainder of the quantity of milk in each class by the price applicable pursuant to Sec. 4(b) and Sec. 4(c), and add together the resulting quantity and value of both classes.

(b) Computation of composite prices to be paid to producers. The market administrator shall compute, for each handler, the composite price per hundredweight, f.o.b. such handler's plant located within 30 miles of the City Hall in Providence, Rhode Island, for each delivery period as follows:

(1) Ascertain the total value of all milk disposed of by such handler, computed pursuant to paragraph (a) of this section;

(2) Add the amount of the differential applicable pursuant to Sec. 8(d)(1):

(3) Subtract the total payments required to be made for such delivery period by Sec. 8(f).

(4) Subtract the amount to be paid by the handler pursuant to Sec. 8(a)(2)(ii);

(5) From the quantity of milk ascertained in subparagraph (3) of paragraph (a) of this section subtract the quantity thereof for which the handler is required to make payment pursuant to Sec. 8(a)(2)(ii);

(6) Divide the value remaining after subtraction pursuant to subparagraph (4) of this paragraph by the total quantity of milk included in the computation of the value of milk disposed of by such handler made pursuant to paragraph (a) of this section, which remains after subtraction pursuant to subparagraph (5) of this paragraph.

(c) Announcement of prices to be paid producers. The market administrator shall mail to all handlers and shall publicly announce:

(1) On or before the 12th day after the end of each delivery period with respect to each handler who made the report pursuant to Sec. 5(a), and as soon after the 11th day after the end of each delivery period as such information becomes available for any other handler:

- (i) The composite price for each handler for such delivery period as determined in accordance with paragraph (b) of this section;
- (ii) The Class II price for such delivery period;
- (iii) The butterfat differential for such delivery period.

(2) As soon after the 11th day after the end of each delivery period as such information becomes available:

- (i) The total quantity and value of all milk sold, distributed, or used by all handlers as included in the computations under paragraph (a) of this section;
- (ii) The total quantity and value of the Class I milk sold, distributed, or used by all handlers, and included in such computations;
- (iii) The total quantity and value of the Class II milk sold, distributed, or used by all handlers, and included in such computations; and

- (iv) The average price for all milk received by all handlers from producers, and all milk of their own production received by handlers, during such delivery period as is included in such computations.

Sec. 8 Payments to producers. (a) Time and method of payments. On or before the 18th day after the end of each delivery period, each handler shall make payment, subject to the differentials set forth in this section:

(1) To associations of producers, for the total value of milk delivered in bulk by each from a plant of such association to such handler's plant located within 30 miles of the City Hall in Providence, the price pursuant to Sec. 4(a).

(2) To producers, for the total value of milk delivered to him by producers during such delivery period as computed in accordance with Sec. 7(a), as follows:

- (i) Each handler shall make payment to each producer, except as provided in subdivision (ii) of this subparagraph, at not less than the composite price per hundredweight computed for such handler pursuant to Sec. 7(b).
- (ii) Each handler receiving milk from a producer, who has not regularly distributed milk in the marketing area or delivered milk to a handler for a period of 30 days prior to the effective date hereof, shall make payment to such producer, except as provided in subdivision (iii) of this subparagraph, at not less than the applicable Class II price for all milk delivered by him for a period beginning with the date of his first regular delivery of milk and including the first two full calendar months following such date.
- (iii) Each handler shall make payment to producers, who are members of a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1923, known as the "Capper-Volstead Act," a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph. In case an association or associations of producers elect to have the moneys due their members paid to them on a base-rating plan, and if such association or associations of producers represent more than 75 percent of those selling to the specific dealer, then the same base-rating plan shall be used by the dealer in making payments to the non-member.

(b) Correction of errors in payments to producers. Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination and notification of such errors. Any correction affecting all producers delivering to all handlers during the period in which such error occurred shall be corrected as the market administrator shall determine to be

equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in Sec. 7(a).

(c) Butterfat differential. If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making payments to such producer, prescribed by paragraph (a) of this section, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, and divide the result by 10.

(d) Country receiving plant and freight differential. The payments to be made by handlers to producers pursuant to paragraph (a) of this section shall be subject to a differential as follows:

(1) With respect to all milk not required to be paid for by handlers pursuant to paragraph (a)(2) of this section delivered by a producer to a handler at a receiving plant not located within 30 miles of the City Hall in Providence, there shall be deducted an amount per hundredweight equal to 13 cents plus the average of the freight rates from the railroad shipping point for such handler's plant to Providence, according to the tariff currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(e) Other differentials. In making payments to producers prescribed in paragraph (a) of this section handlers may take deductions as follows:

(1) With respect to milk delivered by producers in containers supplied by the handler for the transportation of milk from their farms to the handler's receiving plant, an allowance of \$0.0075 per hundredweight as rental for such containers.

(f) Payments to cooperative associations. Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members, using its best efforts to supply, in times of short supply, Class I milk to the marketing area and to secure utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers, and having its entire

activities under the control of its members. After such determination, the cooperative association of producers shall be entitled to continue to receive such payment until it has been disqualified by the Secretary, after hearing, for failure to exercise the authority and to perform the functions upon which such determination was based.

Each handler shall pay to the market administrator and/or to the cooperative association as said associations may direct, on or before the 18th day after the end of each delivery period cents per hundredweight of milk at such handler's plant which was caused to be delivered from its members by such association and on which such handler has made the reports and payments required by this order.

The market administrator shall pay the amount received under the provisions of this subsection to the cooperative associations of producers within 5 days after having received the same.

Sec. 9 Expense of administration. (a) Payments by handlers. As his pro-rata share of the expense of administration hereof, each handler, except as set forth in Sec. 6(a), shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 2 or 3 cents, as needed, per hundredweight or such lesser amount as the market administrator shall determine to be sufficient with respect to all milk produced outside the State of Rhode Island and delivered by producers and by such handler if he is also a producer, during such delivery period: Provided, That each handler, which is a cooperative association, shall pay such pro-rata share of expense of administration only on such milk actually received from producers at a plant operated by such association from which milk is delivered to, or for consumption in, the marketing area.

(b) Suits by the market administrator. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.

N.B. In addition to the foregoing, the following provisions are proposed to be included in a marketing agreement.

Sec. 10 Effective time, suspension, or termination of marketing agreement. (a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) Suspension or termination of marketing agreement. The Secretary may suspend or terminate this agreement or any provision hereof, whenever he finds that this agreement or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This agreement shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Sec. 11 Liability. (a) Liability of handlers. The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

Sec. 12 Counterparts and additional parties. (a) Counterparts of marketing agreement. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were obtained in one original.

(b) Additional parties to marketing agreement. After this agreement first takes effect any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

UNITED STATES DEPARTMENT OF AGRICULTURE
DIVISION OF MARKETING AND MARKETING AGREEMENTS
WASHINGTON, D. C.

NOTICE OF A PUBLIC HEARING ON A PROPOSED MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF MILK IN THE PROVIDENCE, RHODE ISLAND, MARKETING AREA, PREPARED AND PROPOSED BY THE LOCAL DAIRYMEN'S COOPERATIVE ASSOCIATION, INC., AND THE NEW ENGLAND MILK PRODUCERS' ASSOCIATION, UPON WHICH SAID ORGANIZATIONS HAVE REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937.

WHEREAS, the Local Dairymen's Cooperative Association, Inc., and the New England Milk Producers' Association have requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organizations and designed to regulate such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

WHEREAS, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

WHEREAS, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

NOW, THEREFORE, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held in Governor Dyer Market, Providence, Rhode Island, beginning at 10 a.m., e.s.t., November 27, 1939, on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned organizations and designed to regulate such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of individual handler pools, (f) payments to cooperative associations for the rendering of market services, and (g) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

/s/ H. A. Wallace
Secretary of Agriculture

Dated: November 2, 1939
Washington, D.C.